2: Skrefarud M-5 (1870-1871) 1942 AW42 Santal AW42

602 Every year in the month of Duśe (Aug.—Sept.) husband and wife go round to visit their relatives, even when they live very far away, in so far as they know of them, provided they have grown-up sons in their home, otherwise only the man will go. The meaning of visiting relatives is this: that they may not be lost to each other.

Any time they are in want of resources, the relatives on the man's side and those on the woman's side will help each other, when they live in harmony with each other, whether it be in connexion with food or with draught-cattle. And when some among the 602 relatives become orphans, or they are in straits, at such times relatives who have the means 736 will take care of them, or they will divide their own land and fields with them. But such people who are rescued from poverty and difficulties, are mostly ungrateful; only a few people show gratitude. If these ungrateful persons put on just a little flesh, they will show you the thumb (defy you), they may let you go adrift. They will say: Do you imagine that you have supported me, until I have become full grown; why, I have been supported by my own strength. At any time when you are in need, they will leave you in the lurch. They grow up, then look, off they are. But such people will some day get their retribution, if not they themselves, then their children.

602 What women have really to rely on, is their father and male relatives. When husband and wife do not live in harmony, or when the husband worries and beats his wife, or somebody calls her a witch, then she will cry out to her father and male relatives, and they will stand up for her. This is their right, because on the day of her marriage they have stipulated for this. Without informing her father and male relatives they do not go to a witch-finder. And if these are not satisfied with one witch-finder, they will take them to five such places. Because of this the women have great trust in their father and male relatives.

1. When husband or wife dies.

428 If the mother dies before her children are married, then even if their father has got 592 a second wife, the sons cannot demand a division. But if the sons at that time are married, they can, if they wish, set up separate households. The village council meet and divide the property; the father gets one part, and the sons one part each. In case the second wife has not borne the man a male child before he dies, then after his death the sons of the first wife can take possession also of the part left by the father. If they take possession of this, they will have to perform the final funeral ceremonies for their step-mother, when she dies.

428 If any woman becomes a widow without having borne any male child, the father or the 736 male relatives of the man get all the property; the woman gets only one calf, one bundle of paddy, one brass-cup and a cloth, and she leaves and goes to the house of her father and brothers. In such a difficult position some people will keep an older brother's wife; they will not let her go to the home of her father and brothers. Santals call this very good.

2: Skrefsrud M-5 (1870-1871) 1942 AW42 Santal AW42

A person who keeps his elder brother's wife gets only his own share of the property of his deceased elder brother, he does not get all. 428 736

When the widow has daughters, then their grandfather or the elder or younger brothers of their father will take mother and children to themselves and support them, and the property will remain in their hand. When the daughters grow up, they will give them away in marriage, and as they would get presents from their father at the time of marriage, in the same way these also give them, and their mother they will support until she dies. If such a one does not stay there, she will get her customary right like a childless widow and go to her father's or brother's house, or she will go and live with a daughter.

A widow having sons will keep all the property in her hand. The grandfather of the children or the younger and elder brothers of their father have only a right to see that their mother does not squander anything. If the mother marries again before the children are married, their grandfather or the younger or elder brothers of their father will collect the children and all the property, and the mother of the children will by right get nothing. Some people will give her a calf as a present for the sake of a farewell feasting.

The law of inheritance is this: A man's father will get the property of a son. If he is not living, the full brothers of the man will get the property. In case these are not living, that is to say, if they have died, then the sons of these, that is to say, the sons of the man's younger and elder brothers will get it. And when these or sons of these are not living, then the dead man's uncles or their sons will get it. And in case there are no inheritors, the king of the country will get the property.

2; Skrefsrud M-5 (1870-1871) 1942 AW42 Santal AW42

464 One kind of poor people do not become absolute paupers, because when they have no necessary work of their own, they work for wages with wealthy people; thereby they get their subsistence, and people also feel compassion with them. They put their children to work as cattle-herds, or they make them fetch water and leaves, and people give them more than what they have a right to get, and when their children go to glean at harvest time, they leave much for them. People who have no bodily strength they also help in the same way, if they have no relatives who are able to help them. And when orphans 736 have no natural helpers, the village headman and his deputy will take such friendless ones to themselves, and they live in great ease, because no one will be able to snub them calling them orphans. Afterwards when they have grown up, they marry them off. Formerly there were no begging people, and also nowadays only a very few have learnt to beg from the Dakos and walk round in the villages and beg; this they do not call good, and there is no need; because if they have a wish to work, they may easily support themselves in the villages. Halt and lame, blind and not fully developed persons might get gruel, by only watching the houses and doors of people.

556 Some good people could easily become wealthy; they have plough-cattle, they also have working people; but from fear of people they do not become very wealthy. They earn only just as much as to get food. Some women, it is said, are very envious of wealthy people; they say: These have very fine things to eat and drink; we have nothing. Then they cast an evil spell on them; then these wealthy people become ill, they become utter paupers, and they die. And such women also bury bongas in the house of wealthy people, so that these die thereby.

g. Mutual help in the village.

476 Formerly people who were not poor also helped each other very much, when there was any need; and nowadays also good people help each other. They ask each other for fire, [178] they give each other lime and tobacco to chew; kodalis and forks, axes and adzes, chisels [426] and mallets, ploughs and clod-crushers, pestles and wooden mortars, winnowing-fans and baskets, and so on, they lend to each other. And if a man has no cart, or he has too few, the village people will without taking any pay let him have cart and bullocks for one day. But if any of the bullock-owner's people go along to drive the cart, the man who has asked for the loan will have to give rice and curry. And also when building a house, when ploughing, planting, making ricefield ridges, and harvesting they help each other, and those who ask for help have only to give rice and curry, and occasionally they also give them beer to make them glad. And in fever and illness they visit each other, they help each other to pass the night, and when there is any necessity, they also help each other fetching water and leaves, plastering the court-yard with cow-dung and pounding, and men who know to give medicine do this without any charge. They get food, and when

198
199

XV. A NEW AGREEMENT

671 On the 15th February 1916 the Pargenas, Desmahjhis, Sardars, and different other people of the Dumka district gathered in Dumka and talked about their daughters and widows. Having talked the matter over, they came to the conclusion: It would be very good, if what is printed here below became law:

Daughters.

428 1. If a man has only daughters, these will be his heirs when married, that is to say, their husbands will get the rice- and other land.

The brothers of the father will get half the cattle. The man who sets fire to the mouth of the dead will get a calf. If a girl, for whom they have brought a house-son-in-law dies without having children, the house-son-in-law gets nothing: he goes out and away with his calf.

2. When a man has sons and daughters, and the sons die without having children, the girls become the heirs, that is to say, the father or the brothers may bring house-sons-in-law for the girls, or they may bring the husband to the girl's father's home to live there.

3. If a girl is married without a house-son-in-law being brought for her she will not become heir.

4. If a house-son-in-law does not stay, his rights end.

5. If a girl for whom they have brought a house-son-in-law dies after having borne children, her children will get the rights of their mother; and the house-son-in-law will stay there until he remarries, and his children will support him. If he remarries, he will go out and away.

Widows.

428 When a woman becomes a widow, she has the right to be supported from her husband's home, so long as she lives.

• 736 If she is married again, her right in the house of her first husband ceases.

Until she is married again, a widow may manage the house of her husband; but when the woman dies or is married again, all rice- and other land will belong to the brothers of her husband or their heirs.

3t Mukherjea O. Y-4,5 (ca. 1933-1939) 1962
AW42 Santal AW42
MAYURBHANJ

to a man, on the death of the man, such a domesticated daughter's husband has no rights. If a Santal dies leaving such a son-in-law who again loses his wife, the property goes to the agnates of his father-in-law. 428 606

Partition

Partitions, in Mayurbhanj, follow the *Mitakshòra* branch of Hindu law, but the parties to a partition, in most cases, voluntarily allow a bigger share to the eldest brother or to his heirs, as *Iyasthangshò* (the share of the eldest brother). 428 [177]

Legal status of Santal women 562

In Mayurbhanj: The legal status enjoyed by Santal women in Mayurbhanj can be described as follows:—

(1) If a married man has no child, he can marry again according to Santal customary law. Bride-price is paid in both cases. [587] [583]

(2) If a man has more than one wife, even if some of them might be called *rakhni* (mistress, lit. a kept woman) they inherit equally. [595] [428]

(3) A man can marry as many wives as he likes, but a woman cannot have more than one husband at a time. [595]

(4) *Punchayets* as well as law-courts will give relief to the wife, even if called "*rakhni*," who is deserted by her husband or not given maintenance. [586] [736]

3t Mukherjea O. Y-4, 5 (ca. 1933-1939) 1902
AW42 Santal AW42
SANTAL PARGANAS

562 423 428 606 fically arranged at the time of marriage by a public declaration, which has all the force of an oral will.

As a matter of fact, it is the daughter who inherits. The *ghardi* jan*w*an*e* is the representative as tenant and owner of the woman in the eye of tribal law, who has no rights of inheritance recognised for her. This position will be still more clear when we remember that if the *ghardi* jan*w*an*e* leaves his father-in-law's protection, his rights in his father-in-law's lands melt away for ever. And never has his own relatives any right to his so-called inheritance. The children of the marriage are the only beneficiaries. In case the *ghardi* jan*w*an*e*'s wife [671] dies, the tribal customs generally allow him a life-interest only, provided he does not remarry. This legal fiction was created by Santal customary law to provide lands for daughters; because, as women, they cannot perform certain social and religious duties which only men can perform.

562 423 428 178 But times are changing. So we find in many cases the Settlement courts have recorded daughters as *raiyats* in agricultural lands, and provided them with a life-tenure; and reformist Santal associations are trying for the recognition of the rights of inheritance of married Santal girls.

736 671 423 422 But the lot of the widow in the Santal customary law is the hardest. She is not entitled to any land, although she may own personal property, either in her father's home or in her husband's.

3t Mukherjea O, Y-4,5 (ca. 1933-1939) 1962
AW42 Santal AW42
SANTAL PARGANAS

either in her father's home or in her husband's. It may be that children may look after their widowed mother out of kindness and gratitude, but she has no rights recognised for her. But if she has no children, the only alternative is again the kindness of the members of her husband's family. If they are hard-hearted, she is thrown adrift in this wide world.

There were, however, signs of Santal public opinion asserting itself to ameliorate the condition of the widows. A section of Santal educated opinion recently wanted that the widow should have her rights of maintenance out of her late husband's properties, till she remarried. But tribal laws are hard and conservatism is deep-rooted.[1]

The ultimate result of the reformist moves can be gleaned from the Santal Parganas Enquiry Committee Report published in 1938. The committee (page 49) while discussing "Transfer by gift or will" notices that "there has been for many years a slow trend towards a change in the law which would give (Santal) women a recognised position. But there is no unanimity among the Santals on the point. The committee examined a number of witnesses on the point, among others, the President of the Santal

1. With acknowledgments to Rev. P. O. Bodding.

596 and grandchildren, which is equivalent to the Hindu "Joint family". The Maori calls it "Whanau" (meaning extended family or family group) which corresponds to the German "Gross familie".

582
562
59
[614] The family is broken up by marriage when the daughters by the law of exogamy go to another clan. Up to the time of their marriage the daughters are the property of their fathers or the nearest male relatives (if the father is dead), who take charge of them ; when married, they come under control of the family of their husbands (with these as their immediate lords and masters) and this they continue to be so long as there is any one who has a right over them. If such a state • [736] ceases, they have no longer any locus standi ; they revert to their original relatives, if they are alive or become sort of guardianless minors, if none such exist they become utterly destitute except for what people may give them or what they may be able to earn through their work. It can be seen that the sons sometimese stablish their own home, when they have got their own family. But ordinarily the sons with their wives live with their father and mother.

591
583
606 **Ghardi-Jawae** : There is a third type, in which the son-in-law is taken as a son in the father-in-law's family. If in a Santal family there is no son but only a daughter, they marry their daughter off and give the son-in-law the position of a son, provided he lives with his father-in-law. If in a family there are grown-up daughters and minor sons, the son-in-law works for his father-in-law without wages for five years. He then gets two buffaloes, some rice and some agricultural